

### **REMARKS**

In response to the Office Action mailed September 19, 2006, Applicants respectfully request reconsideration. Claims 1-3 and 5-18 were previously pending in this application. Claim 3 has been canceled. No new claims have been added. As a result, claims 1-2 and 5-18 are pending for examination with claims 1 and 18 being independent. No new matter has been added.

Initially, Applicants' representative appreciates the courtesies extended by Examiner Ajibade Akonai in granting and conducting a telephone conference on November 9, 2006. The substance of the telephone conference is summarized in the arguments presented below.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 1-3, 5-8 and 13-18 under 35 U.S.C. Section 102 and purportedly being anticipated by US Patent No. 6,771,966 ("Chow"). Applicant respectfully disagrees.

During the telephone conference, Applicants' representatives noted that the previous Office Action (dated March 22, 2006) indicated that claim 4 included allowable subject matter in view of the prior art of record. In the response filed on June 26, 2006, Applicants amended claims 1 and 18 to incorporate the subject matter of claim 4. Thus, Applicants expected that the response would be followed by a notice of allowance. The outstanding Office Action, however, rejects claims 1-3 and 5-18 in view of the very same references over which the Examiner indicated claim 4 was allowable.

As discussed in the telephone conference, the Office Action asserts that the disclosure in column 13, lines 54-65 of Chow anticipate the subject matter previously deemed allowable by the Examiner. In particular, the Office Action asserts that Chow therein discloses "assigning to an edge a direction and assigning to an edge a weight equal to a fraction of maximum permissible noise at link corresponding to a second vertex contributed by activity on the link corresponding to the first vertex," as recited in both independent claims 1 and 18. However, Chow discloses nothing of the sort.

Chow discloses a method and system for planning deployment of a wireless network such that locations for transmitter/receiver pairs are chosen to minimize interference between links (Col. 2, line 66 – col. 3, line 5). Several methods are used to aid in determining placement, with

one method comprising a table of potentially-conflicting link pairs (Table 2; Col. 14). Table 2 has an entry for each pair of links in the network, and assigns a 0 to links that interfere with one another and a 1 to links that do not interfere (Col. 13, lines 61-65). However, Chow does not disclose assigning to each edge *a weight equal to a fraction of maximum permissible noise*.

Rather, Chow merely discloses assigning a 0 or 1 to an entry in a table to represent whether selected links interfere with one another. Chow is completely silent with respect to disclosing to assigning an edge *a weight equal to a fraction of maximum permissible noise*, as recited in Applicants' claims 1 and 18. Applicants draw the Examiner's attention to paragraph 54, pages 18-19, of Applicants' specification, wherein an exemplary process is described and an exemplary equation is provided, in accordance with some embodiments of Applicants' invention, to determine the weight. As specifically stated in paragraph 54, "conflicts in the physical model are not binary" (emphasis added) and "gradual [increases] in interference [suggest] that there should be a weighted conflict graph, where the weight of a directed edge from vertices  $l_{pq}$  to vertices  $l_{ij}$  (denoted by  $w_{ij}^{pq}$ ) indicates what fraction of the maximum permissible noise at node  $n_j$  (for link  $l_{ij}$  to still be operational) is contributed to activity on link  $l_{pq}$  (i.e., node  $n_p$ 's transmission to node  $n_q$ )."

Nowhere does Chow disclose or suggest "assigning to the edge a weight equal to a fraction of a maximum permissible noise at a link corresponding to the second vertex contributed by activity on the link corresponding to the first vertex," as recited in claims 1 and 18. Therefore, claims 1 and 18 patentably distinguish over Chow and are in allowable condition. Claims 2 and 5-17 depend from claim 1 and are allowable for at least the same reasons.

During the telephone conference, the Examiner agreed that in view of the arguments presented by Applicants' representatives, independent claims 1 and 18—and therefore dependent claims 2 and 5-17—appeared to distinguish over Chow and may be allowable. The Examiner, however, cautioned that he would confirm this with his supervisor. In a follow-up telephone call the Examiner asserted that in view of Applicant's arguments, claim 3 was confusing in itself and confused the scope of claim 1. Applicant has canceled claim 3 without prejudice or disclaimer, noting only that claim 3 should have been canceled in view of the amendments made in the previous response. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn.

### CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

Dated: December 8, 2006

By: William R. McClellan  
William R. McClellan  
Registration No.: 29,409  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
(617) 646-8000